

Case # 2017 - 1094

December 12th, 2017

The Supreme Court of Ohio

65 South Front Street, 8th Floor

Columbus, Ohio 43215-3431

Original Action: Mandamus

(Motion for Reconsideration (Amended))

Baka Amun El Bey (Claimant, Relator, Plaintiff)

Vs.

Carla McHale representing Sorta (Respondent, Defendant)

1401 Bank Street

Cincinnati OH, 45214

Allison L. Goico, Susan
H. Jackson

255 East Fifth Street, Suite
1900 Cincinnati, Ohio
45202

Baka Amun El Kulika Bey

In Propria Persona Sui Juris

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(513)289-0287

P.O. Box 11629

In response to the decision filed Dec 6th, 2017. This motion for reconsideration is on the grounds of the general law of the 1851 Ohio Constitution, alongside Article IV. Section IV of the Constitution of the United States. Trinsey vs. Pagliaro, stating motions or briefs by counsel are not sufficient to grant judgment. Also the absolute inviolate right of trial by jury. I do not agree nor consent to contract to any motion to dismiss and have not waived my rights of hearing nor rights to a jury trial. I invoke those rights now, as I have with previous filings.

September 18th, 2017 reservation of all rights was filed in accordance to; Article I, Section 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting **property**, and seeking and obtaining happiness and safety.

Article I, Section 5. **The right of trial by jury shall be inviolate.**

Article I, Section 7. All men have a natural and indefeasible right to worship Almighty God according to their own conscience...

Article I, Section 16. All courts shall be open, and every person, **for an injury done him** in his land, goods, **person**, or reputation, **shall have remedy by due course of law**; (not procedure (trial by jury)).

Article I, Section 19. **Private property shall forever be held inviolate**, but subservient to the public welfare... a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; **and such compensation shall be assessed by a jury**, without deduction for benefits to any property owner.

Article II, Section 26. All laws, of a general nature, shall have uniform operation throughout the state; **nor shall any act be passed**, to take effect upon the approval of any other authority **than the general assembly**, except as otherwise provided in this constitution.

Article II, Section 33. Laws may be passed to secure to mechanics, artisans, laborers, sub- contractors and material men, their just dues by direct lien upon the **property**, upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power.

Also the right to be heard was reserved, standing upon the right of a hearing and trial.

“ I, A.B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God.” in accordance to Article IV, Section IV of the Constitution of the United States; “The United States shall guarantee to every State in this Union a Republican Form of Government...”

Also filed October 6th, 2017 was the Memorandum: Response to motion II, given Trinsey vs. Pagliaro; The defendants' motion to dismiss for failure to state a claim unsupported by affidavits or depositions is incomplete because it requests this Court to consider facts outside the record which have not been presented in the form required by Rules 12(b) (6) and 56(c).**“Statements of counsel in their briefs or argument while enlightening to the Court are not sufficient for purposes of granting a motion to dismiss or summary judgment.”** Trinsey v. Pagliaro, (e.d.pa. 1964) **Motion to strike motion to dismiss as Ms. Mchale has relinquished rights of representation to litigating party, has not substantially provided proof of claim.**

Certificate Of Service

I hereby certify that on December 12th, 2017, I electronically filed the foregoing with the Clerk of the Ohio Supreme Court using the Court's e-filing system, and I hereby certify that I have mailed the documents by United States Postal Service, addressed to; Allison L. Goico and Susan H. Jackson 255 East Fifth Street, Suite 1900 Cincinnati, Ohio 45202

/s El Bey, Baka Amun Kulika

December 12th 2017

Affidavit: Evidence; Motion for reconsideration

Notice to principal is notice to agent. Notice to agent is notice to principal.

The knowledge set forth on these exhibited documents submitted for filing show affirmatively I; Baka Amun El Bey, am competent to testify to all matters pertaining to the exhibited documents.

Exhibits included:

- A. 1851 Ohio Constitution.
- B. The Constitution of the United States, Article IV Section IV
- C. Oath/ Affirmation to Constitution.

(Jurat)

Baka Amun El Bey
Relator

Sworn to, or affirmed, and subscribed in my presence this 11 day of December, 2017.

Hope E. Zinser
Notary Public.

My Commission Expires: 03/13/2019



Hope E. Zinser
Notary Public, State of Ohio
My Commission Expires 03-13-2019

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THIS IS TO CERTIFY that the collections of the Library of Congress contain a book entitled, **SOURCES AND DOCUMENTS OF UNITED STATES CONSTITUTIONS**, and that the attached photocopies from Volume 7, "OHIO CONSTITUTIONS Constitution of 1851", -- the page that lists volumes in the set, the title page, the copyright page, a statements page, A blank page, a second title page, and pages 558 through 595 -- are a true representation from that work.

THIS IS TO CERTIFY FURTHER, that the copyright page bears a Library of Congress call number that reads "KF4530.S94 copy 3 vol. 7 LLRR", and has an oval stamp that reads "LIBRARY OF CONGRESS copy 3 COPYRIGHT OFFICE SEP 21 1978"

IN WITNESS WHEREOF, the seal of the Library of Congress is placed hereon on October 30, 2017.

Deirdre Scott

Deirdre Scott
Business Enterprises Officer
Office of Business Enterprises
Library of Congress



ARTICLE IV

SECTION I

Full Faith and Credit shall be given in each State to the public Records, and judicial Proceedings of every other State. And the general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION II

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION III

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION IV

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the

Supreme court
adjourned by
one or more
justices; circuit
courts adjourn-
ed.

District courts
adjourned.

The courts
have power to
appoint clerks.

Their oath or
affirmation.

Oath of jus-
tices of supreme
court and judges
of the district
court.

District courts
exclusive juris-
diction.

SEC. 6. *And be it further enacted*, That the Supreme Court may, by any one or more of its justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the marshal of the district until a quorum be convened: (a) and that a district court, in case of the inability of the judge to attend at the commencement of a session, may by virtue of a written order from the said judge, directed to the marshal of the district, be adjourned by the said marshal to such day, antecedent to the next stated session of the said court, as in the said order shall be appointed; and in case of the death of the said judge, and his vacancy not being supplied, all process, pleadings and proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

SEC. 7. *And be it [further] enacted*, That the Supreme Court, and the district courts shall have power to appoint clerks for their respective courts, (b) and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit: "I, A. B., being appointed clerk of , do solemnly swear, or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." Which words, so help me God, shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond, with sufficient sureties, (to be approved of by the Supreme and district courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments and determinations of the court of which he is clerk.

SEC. 8. *And be it further enacted*, That the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

SEC. 9. *And be it further enacted*, That the district courts (c) shall have, exclusively of the courts of the several States, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the

By the act of March 10, 1838, the Justice of the Supreme Court is required to attend but one circuit in the districts of Indiana, Illinois, and Michigan.

By an act passed in 1844, the Justices of the Supreme Court are empowered to hold but one session of the Circuit Court in each district in their several circuits. The Judges of the District Courts hold the other sessions of the Circuit Court in their several districts.

(a) The provisions of law on the subject of the adjournments of the Supreme Court in addition to the place than the seat of government. Act of February 25, 1799.

(b) By the 2d section of the act entitled "an act in amendment of the acts respecting the judicial system of the United States," passed February 28, 1839, chap. 36, it is provided "that all the circuit courts of the United States shall have the appointment of their own clerks, and in case of disagreement between the judges, the appointment shall be made by the presiding judge of the court." See *ex parte Duncan* N. Hennen, 13 Peters, 230.

(c) The further legislation on the subject of the jurisdiction and powers of the District Courts are: the act of June 5, 1794, ch. 50, sec. 6; act of May 10, 1800, chap. 51, sec. 5; act of February 24, 1807, chap. 13; act of February 24, 1807, chap. 16; act of March 3, 1815; act of April 16, 1816, chap. 56, sec. 6; act of April 20, 1818, chap. 103; act of May 15, 1820, chap. 106, sec. 4; act of March 3, 1823, chap. 71.

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